

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIANA GARCIA-SILVA,

Defendant.

CASE NO. 8:09CR9

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 93) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's Motion to Suppress (Filing No. 82). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant, Adriana Garcia-Silva, seeks an order suppressing all evidence and statements obtained as a result of a search of a residence on Monroe Street in Omaha, Nebraska, on or about December 22, 2008. The search was conducted pursuant to a warrant.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 83, 88) and the transcript (Filing No. 99) and viewed the evidence (Filing No. 92). Judge Gossett concluded: probable cause existed to issue the search warrant; and the good faith exception, *United States v. Leon*, 468 U.S. 897 (1984), also applies. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No.93) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 82) is denied.

DATED this 29th day of July, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge